

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

ID #14246
RESOLUTION E-4735
October 22, 2015

R E S O L U T I O N

Resolution E-4735. San Diego Gas and Electric (SDG&E) requests approval to relocate three electric lines from the middle of Sycamore Landfill to the perimeter of the landfill.

PROPOSED OUTCOME:

- Approval of SDG&E's Notice of Construction filed pursuant to General Order (GO) 131-D that proposes the relocation of three electric lines from the middle of Sycamore Landfill to the perimeter of the landfill (Proposed Project).

SAFETY CONSIDERATIONS:

- SDG&E is required to comply with all applicable federal and state safety requirements during construction and operation of the proposed electric lines.
- Safety considerations include the potential for increased fire risk during construction and operation of the Proposed Project, interference with aircraft operations due to the height of the proposed structures, and effects from Electromagnetic Fields (EMFs).
- Helicopters would not be used to construct the Proposed Project.

ESTIMATED COST:

- \$17.2 million.
- Sycamore Landfill, Inc. will pay \$2.8 million of the estimated \$17.2 million project construction cost pursuant to a 2006 settlement agreement with SDG&E.

By Advice Letter (AL) 2720-E filed on March 27, 2015.

SUMMARY

SDG&E proposes to relocate a single-circuit 69-kV line, a double-circuit 138-kV line, and a double-circuit 230-kV line that currently bisect Sycamore Landfill. The landfill is located within the City of San Diego's East Elliott Community north of State Route 52 and west of the City of Santee. Relocation of the lines would allow the landfill to be expanded and operated as approved by the City of San Diego.

The three electric lines are located on separate structures within the same easement across the landfill. The existing easement is approximately 5,500 feet long. The relocated easement would be approximately 7,150 feet long and would contain all three lines. The new alignment would remain within the approved landfill boundary but would extend along the landfill's northern perimeter instead of crossing the middle of the landfill.

The relocation of 230-kV transmission lines and 69-kV and 138-kV power lines is governed by GO 131-D, which requires a Certificate of Public Convenience and Necessity for transmission line relocations and a Permit to Construct for power line relocations unless the lines qualify for an exemption as specified in GO 131-D Section III.A or Section III.B. SDG&E claims that the 230-kV line relocation would be minor, and as such, is exempt from the requirement to file an application with the Commission for a Certificate of Public Convenience and Necessity as specified in Section III.A. SDG&E further claims that GO 131-D does not require an Advice Letter filing if it finds that this exemption applies to a transmission line.¹

SDG&E claims that the 69-kV and 138-kV power line relocations are exempt from the requirement to apply for a Permit to Construct based on GO 131-D Section III.B.1.f. The exemption described in this section applies to power lines to be relocated or constructed that have undergone environmental review pursuant to the California Environmental Quality Act (CEQA) as part of a larger project, and for which the final CEQA document finds no significant and unavoidable environmental impacts caused by the proposed line. To claim this exemption,

¹ GO 131-D defines *transmission lines* as lines designed to operate above 200 kV and *power lines* as lines designed to operate between 50 kV and 200 kV.

GO 131-D requires that SDG&E file an Advice Letter with the Commission as specified in GO 131-D Sections XI.B and XI.C.

SDG&E originally filed an Advice Letter for the proposed 69-kV and 138-kV power line relocations in 1996 (AL 992-E). The Advice Letter was protested and because of pending legal issues, Executive Director Resolution E-3471 dismissed the protest on an interim basis. It ordered that upon conclusion of the legal issues, the Commission complete a final resolution to address the City of San Diego's protest and SDG&E's proposed power line relocation project. AL 992-E is discussed further in the "Background" section below.

With AL 2720-E, SDG&E notifies the Commission that the legal actions identified in AL 992-E are no longer pending. SDG&E confirmed to the best of its ability that no further legal actions involving the landfill are outstanding. The landfill is currently operating in compliance with its Solid Waste Facility Permit, which was last issued by the California Integrated Waste Management Board in 2006 and is due for review and reissuance in 2016. This Resolution would approve AL 2720-E, dismiss the protest filed against AL 992-E, and allow SDG&E to relocate the electric lines as described in AL 2720-E.

BACKGROUND

In 1963, the City of San Diego issued a Conditional Use Permit (No. 6066) to the County of San Diego (County) to construct and operate Sycamore Landfill (113 acres). The City amended the County's permit in 1974 to expand the landfill to 491 acres. The County prepared an Environmental Impact Report (EIR) for the expansion pursuant to CEQA. Additional CEQA environmental reviews were completed for various reasons over time (e.g., to generate electricity from landfill gas, relocate the landfill entrance, and increase daily disposal capacity).² In 1990, the relocation of SDG&E's electric lines and other modifications to plans for the landfill were addressed in a Subsequent EIR prepared by the County. The

² For further information about the series of environmental documents completed for Sycamore Landfill, refer to City of San Diego Resolution 307681, *a Resolution Certifying Environmental Impact Report No. 5617/Sch No. 2003041057 and Adopting a Mitigation, Monitoring and Reporting Program, Findings, and Statement of Overriding Considerations for the Sycamore Landfill Master Plan - Project No. 5617.*

County requested that SDG&E relocate the lines to allow available landfill capacity to be used.

On August 13, 1996, SDG&E filed AL 992-E with the Commission to request approval for the relocation of its electric lines to the perimeter of the landfill as requested by the County. The City of San Diego protested AL 992-E on the grounds that the County's environmental review was inadequate and because of the City of San Diego's ongoing legal dispute with the County and pending litigation against the County filed by the City of Santee in the San Diego Superior Court (Case No. 702110). Executive Director Resolution E-3471 (November 14, 1996) stated that it was reasonable to approve AL 992-E on an interim basis but ordered that a final resolution be issued after notice to the Commission filed by SDG&E that legal actions by the cities of San Diego and Santee against the County have concluded.

In 1997 the County of San Diego sold the landfill to Sycamore Landfill, Inc., which is owned by Republic Services. The City of San Diego directed the new owner to pursue a phased planning process for the landfill. In 2003, Sycamore Landfill, Inc. submitted an application to the City of San Diego to amend City plans and zoning requirements to allow for landfill expansion. The City prepared an EIR and certified the Final EIR in Resolution 307681 on September 17, 2012. In the Resolution, the City of San Diego adopted a Mitigation, Monitoring, and Reporting Program, Findings, and Statement of Overriding Considerations and approved the Sycamore Landfill Master Plan (Project No. 5617).

To date, landfiling activities at Sycamore Landfill have continued pursuant to the City of San Diego's 2012 Final EIR and Resolution 307681 without relocating SDG&E's lines. For access to the entire, permitted disposal area at the landfill, however, SDG&E must relocate its electric lines as planned by the City of San Diego.

NOTICE

Notice of AL 2720-E was made by publication in the Commission's Daily Calendar on April 3, 2015. SDG&E states that a copy of the Advice Letter was mailed and distributed in accordance with GO 96-B.

PROTESTS

AL 2720-E was not protested.

DISCUSSION

SDG&E's proposed relocation of its 69-kV and 138-kV power lines qualifies for the exemption defined in General Order 131-D Section III.B.1.f. Relocation of the two power lines is addressed through the City of San Diego's 2012 Final EIR. The 2012 Final EIR and the City's Findings and Statement of Overriding Considerations (Resolution 307681) indicate that although expansion of the landfill would result in significant and unavoidable impacts, the relocation of SDG&E's electric lines would not contribute to a significant and unavoidable impact. Hence, the relocation qualifies for the following exemption to filing an application for a Permit to Construct:

f. Power lines power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation. (GO 131-D Section III.B.1.f).

It is reasonable for the Commission to dismiss the City of San Diego's protest to the original Advice Letter (AL 992-E) filed in 1996. The City filed the protest on the grounds that the County's environmental review was inadequate and due to pending legal issues as described in the "Background" section above. According to SDG&E, the legal issues cited in the protest were dismissed by the San Diego Superior Court in 1997. Furthermore, the County of San Diego sold the landfill to Sycamore Landfill, Inc. in 1997. The City of San Diego then directed the completion of a new planning process for the landfill and completed an EIR in 2012 that included relocation of SDG&E's electric lines. Therefore, the protest is no longer applicable.

It is reasonable for the Commission to approve AL 2720-E. Litigation issues associated with the landfill have concluded, and no protest was filed against AL 2720-E. The landfill is currently operating in compliance with its Solid Waste Facility Permit, which was last issued by the California Integrated Waste Management Board in 2006 and is due for review and reissuance in 2016. SDG&E stated that it is not aware of any pending legal actions involving Sycamore Landfill. Commission staff spoke with Elizabeth Shearer-Nguyen and Kristen

Forburger in the City of San Diego's Development Services Department, Environmental Analysis Section, in July 2015 to verify that all litigation issues associated with the landfill have concluded. Ms. Shearer-Nguyen was the City's environmental analyst responsible for preparing the 2012 Final EIR for the landfill. Ms. Forburger ensures project compliance with the Final EIR and that mitigation has been satisfied prior to issuance of grading permits under purview of the Multiple Species Conservation Program.

Commission staff also spoke with Eric Hollenbeck, Environmental Scientist at the California Department of Fish and Wildlife and Tom Huffman, Biological Services Division Manager at Helix Environmental Planning, Inc. Helix is the consulting firm that supports the City of San Diego's ongoing mitigation and monitoring activities for the landfill. Mr. Hollenbeck and Mr. Huffman verified that a minor recent change to the grading area for SDG&E's proposed utility structures would not conflict with landfill permitting requirements.

Safety

Compliance with the following safety requirements and procedures would ensure that safety risks are avoided or minimized during construction and operation of the proposed electric lines described in AL 2720-E:

- SDG&E is required to comply with all federal and state safety requirements during construction and operation of the proposed relocation work;
- SDG&E would comply with GO 95 (Rules for Overhead Electric Line Construction) and GO 165 (Inspection Requirements for Electric Distribution and Transmission Facilities);
- SDG&E would follow all applicable internal safety procedures including those for wildland fire prevention; and
- SDG&E would implement magnetic field management measures in accordance with its EMF Design Guidelines for Electrical Facilities as updated in compliance with Commission Decision D.06-01-042.

In addition, the landfill's 2012 Final EIR states that the Federal Aviation Administration (FAA) made a Determination of No Hazard to Air Navigation in 2011 (Appendix C1 to the Final EIR). The FAA found that no hazard to operations at the two airfields located in proximity to the landfill

would occur due to construction or operation of the relocated electric lines. The two airfields identified were U.S. Marine Corps Air Station (MCAS) Miramar and Gillespie Field.

Cranes would be used during construction of SDG&E's proposed electric lines. Helicopters would not be used during construction of the proposed electric lines. The 2012 Final EIR states that MCAS Miramar staff would be contacted to coordinate construction activities at the site that use cranes. This would ensure that military operations can safely be conducted near the landfill when cranes are in use. Gillespie Field is located approximately 3 miles southeast of the landfill boundary. The Final EIR determined that aircraft operations at MCAS Miramar and Gillespie Field would not be impacted by the proposed relocation work.

Cost

The estimated cost for the entire project is \$17.2 million. Sycamore Landfill, Inc. has paid \$2.8 million towards construction costs. SDG&E is responsible for the remaining \$14.4 million. The terms of payment were agreed upon between SDG&E and Sycamore Landfill, Inc. in a 2006 settlement agreement.

SDG&E stated that costs associated with the project are predominantly for transmission-related services. When the project is placed in service, SDG&E will seek to recover costs through the California Independent System Operator's Federal Energy Regulatory Commission (FERC) rate-recovery process. This would occur as part of a FERC rate case covering the test period in which the project becomes operative (operational). Costs not approved by FERC for recovery in general transmission rates may be recovered through the Commission's jurisdictional retail rates.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments, and will be placed on the Commission's agenda no earlier than 30 days from today.

FINDINGS

1. General Order 131-D requires that SDG&E file an Advice Letter with the Commission to claim an exemption to applying for a Permit to Construct the proposed 69-kV and 138-kV power line relocations.
2. SDG&E's proposed relocation of its 69-kV and 138-kV power lines qualifies for the exemption defined in General Order 131-D Section III.B.1.f.
3. The City of San Diego protested SDG&E's original Advice Letter filing for the proposed relocation (AL 992-E) in 1996.
4. Executive Director Resolution E-3471 dismissed the protest on an interim basis and ordered that upon conclusion of the pending legal issues, the Commission issue a final resolution to address the City of San Diego's protest and SDG&E's proposed relocation work.
5. The legal issues cited in the City of San Diego's protest are no longer pending and the landfill is operational. No other outstanding legal issues associated with the landfill were identified during the review completed by Commission staff described in this Resolution.
6. It is reasonable for the Commission to dismiss the City of San Diego's protest to AL 992-E because it is no longer applicable.
7. No protest was filed against SDG&E's current Advice Letter filing for the proposed relocation (AL 2720-E).
8. Litigation issues associated with the landfill have concluded, and the landfill is currently operating in compliance with its Solid Waste Facility Permit, which was last issued by the California Integrated Waste Management Board in 2006 and is due for review and reissuance in 2016.
9. Compliance with established federal and state safety requirements and SDG&E's internal safety procedures will ensure that safety risks are avoided or minimized during construction and operation of the proposed electric lines described in AL 2720-E.
10. It is reasonable for the Commission to approve AL 2720-E.

THEREFORE IT IS ORDERED THAT:

1. The City of San Diego's protest to SDG&E's original Advice Letter filing in 1996 (AL 992-E) for the proposed relocation work is dismissed.
2. SDG&E's request to relocate electric lines from the middle of Sycamore Landfill to the perimeter of the landfill as described in AL 2720-E is approved.
3. SDG&E shall comply with all applicable federal and state safety requirements and follow all applicable SDG&E internal safety procedures during construction and operation of the proposed electric lines described in AL 2720-E.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on October 22, 2015; the following Commissioners voting favorably thereon:

TIMOTHY J. SULLIVAN
Executive Director